

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES DICKERSON,

Plaintiff,

v.

MR. UTTECHT and STAFF,

Defendants.

NO: 12-CV-5134-TOR

ORDER DISMISSING ACTION FOR  
FAILURE TO COMPLY WITH  
FILING FEE REQUIREMENTS

By Order filed December 21, 2012, the Court directed Mr. Dickerson to show cause why he should not be precluded from proceeding *in forma pauperis* in this action pursuant to 28 U.S.C. § 1915(g). ECF No. 12. Plaintiff did not respond to the Court's directive and has filed nothing further in this action.

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING  
FEE REQUIREMENTS -- 1

1 Records from the Western District of Washington<sup>1</sup> indicate that Mr.  
2 Dickerson, a.k.a. James Ernest Dickerson, prisoner number 988884, has filed more  
3 than three civil actions in the U.S. District Courts that have been dismissed as  
4 frivolous or for failure to state a claim. These cases include: *Dickerson v.*  
5 *Bruneau*, C06-5418 RBL (dismissed 11/06/06, as frivolous, to count as a dismissal  
6 under 28 U.S.C. § 1915(g)); *Dickerson v. Rogers*, C06-5419 FDB (dismissed  
7 09/22/06, as frivolous and for failure to state a claim, with dismissal counting as a  
8 strike pursuant to 28 U.S.C. § 1915(g)); *Dickerson v. Carpenter*, C06-5421 RBL  
9 (dismissed 04/06/07, for failure to state a claim, with dismissal counting as a strike  
10 pursuant to 28 U.S.C. § 1915(g)); and *Dickerson v. Bureau*, C06-5475 RBL  
11 (dismissed 05/01/07, "This action is frivolous."). Plaintiff makes no assertion that  
12 he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

13 Although granted the opportunity to do so, Plaintiff has failed to show cause  
14 why he should not be precluded from proceeding *in forma pauperis* in this action.  
15 He has not paid the \$350.00 filing fee. Therefore, **IT IS ORDERED** this action is

---

16 <sup>1</sup> *U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244,  
17 248 (9th Cir. 1992) (taking notice of judicial proceedings in another court); *see*  
18 *also Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir. 1994) (matters subject to  
19 judicial notice may be considered under Fed. R. Civ. P. 12(b)(6)).

1 **DISMISSED** for failure to comply with the filing fee requirements of 28 U.S.C.  
2 §§ 1914 and 1915.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment, forward a copy to Plaintiff at his last known address and  
5 close the file. The Court certifies any appeal of this dismissal would not be taken  
6 in good faith.

7 **DATED** February 20, 2013.



10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

*Thomas O. Rice*  
THOMAS O. RICE  
UNITED STATES DISTRICT JUDGE